

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14932-2019 (O&M)

Date of Decision:- 5.7.2019

Jodh Singh alias Jodhpalsingh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manvinder Singh Sidhu Advocate, for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab,
assisted by ASI Jagdev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of regular bail in respect of a case registered vide FIR No.10 dated 4.2.2019 under Sections 306, 506/34 of the Indian Penal Code, Police Station GRP Sirhind, District Government Railway Police (Fatehgarh Sahib).
2. The FIR was registered at the instance of Kulwinder Singh wherein it has been alleged that on on 13.1.2019 when he along with other

members of family was celebrating Lohri outside their house then Avtar Singh, Harchand, Jodh Pal Singh, Sukhwinder Singh, Tinku, Monu, Om Parkash, Gindi, Sewa Singh, Dharminder Singh @ Kala and Preet came there carrying bricks and stones in their hands and had attacked them. Sukhwinder Singh is alleged to be carrying an iron "Khurchna" (Spatula) and hit the same on the complainant's head, but the complainant managed to save himself. It is alleged that accused threw bricks and stones which hit the head of the complainant. The stone which had hit complainant had been thrown by Dharminder. Sukhwinder Singh is alleged to have thrown stones hitting complainant's son Lakhvir Singh on his private parts and on his left arm. Harchand Singh is alleged to have slapped the complainant on his face. It is alleged that although the complainant reported the matter to the police but no action was taken thereupon. The complainant has further alleged that thereafter on 3.2.2019 his son Lakhvir Singh called complainant's son-in-law Balvir Singh on his mobile phone telling him that Gindi and other had threatened him while stating that despite the accused having beaten the complainant and others, nothing had been done to the accused and challenged him that complainant party may do anything but they (accused) will get away with it. It is alleged that later his son Lakhvir Singh went out of his house without informing them and subsequently his dead body was found lying at the train track. It is alleged that Lakhvir Singh had committed suicide because of beatings given to him and threats of accused.

3. Learned counsel has submitted that the petitioners have falsely been implicated in the present case and that in any case the alleged beatings had taken place on 13.1.2019 whereas the suicide is alleged to have been committed by Lakhvir Singh on 3.2.2019 i.e. after more than 20 days. In any case the petitioners are not stated to have threatened Lakhvir Singh on 3.2.2019 and in these circumstances, they cannot be said to have played any role in abetment of suicide of Lakhvir Singh.
4. Opposing the petition, learned State counsel has stated that since the name of the petitioners specifically figure in the FIR and are specifically alleged to have given beatings to the complainant on 13.1.2019, no case for grant of bail is made out. It has however, been informed that although the petitioners have been behind bars for the last about 5 months.
5. Having considered rival contentions addressed before this Court and upon finding that it would be debatable as to whether the petitioners had abetted the commission of suicide especially since they are not stated to have threatened the deceased on 3.2.2019 and the petitioners are in custody for the last about 5 months, in my opinion, further detention of the petitioners would not serve any useful purpose. The petition, as such, is accepted and petitioners-Jodh Singh alias Jodhpal Singh and Harcharan Singh are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The present petition stands accepted accordingly.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

July 5, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No